

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION**

TODD DILLON,

Plaintiff,

v.

PAYLIANCE,

Defendant.

: Case No.7:11-cv-00220

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VERIFIED COMPLAINT

TODD DILLON (Plaintiff), by his attorneys, KROHN & MOSS, LTD., alleges the following against PAYLIANCE (Defendant):

INTRODUCTION

1. Plaintiff's Complaint is based on the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. 1692, *et seq.*

JURISDICTION AND VENUE

2. Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."
3. Because Defendant conducts business in North Carolina, personal jurisdiction is established.
4. Venue is proper pursuant to 28 U.S.C. 1391(b)(2).

PARTIES

5. Plaintiff is a natural person residing in Wilmington, New Hanover County, North

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Carolina.

6. Defendant is a debt collector as that term is defined by 15 U.S.C. 1692a(6), and sought to collect a consumer debt from Plaintiff.
7. Defendant is a collection agency with a business office in Oxford, Mississippi.
8. Defendant is a collection agency that in the ordinary course of business, regularly, on behalf of itself or others, engages in debt collection.

FACTUAL ALLEGATIONS

9. Defendant places collection calls to Plaintiff seeking and demanding payment of an alleged debt.
10. Defendant has been calling Plaintiff for approximately three (3) months and calls Plaintiff several times a week.
11. Defendant calls Plaintiff on his home telephone at (910) 791-7527 and leaves messages asking Plaintiff to return a call at (866) 945-8964.
12. Defendant leaves messages for Plaintiff that fail to provide the name of the company calling and that fail to state that the call is from a debt collector (see transcribed voicemails attached as Exhibit A).

COUNT I DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

13. Defendant violated the FDCPA based on the following:
 - a. Defendant violated §1692d(6) of the FDCPA by failing to provide meaningful disclosure of the caller's identity.
 - b. Defendant violated §1692e(11) of the FDCPA by failing to that the call is from a

debt collector.

Wherefore, Plaintiff, TODD DILLON, respectfully requests judgment be entered against Defendant, PAYLIANCE, for the following:

14. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,
15. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k, and
16. Any other relief that this Honorable Court deems appropriate.

DEMAND FOR JURY TRIAL

Please take notice that Plaintiff, TODD DILLON, demands a jury trial in this cause of action.

Dated: October 12, 2011

RESPECTFULLY SUBMITTED,

By: /s/ Christopher D. Lane

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Attorneys for Plaintiff,
TODD DILLON

VERIFICATION OF COMPLAINT AND CERTIFICATION

STATE OF NORTH CAROLINA

Plaintiff, TODD DILLON, states the following:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, TODD DILLON, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

10/7/11

Date



TODD DILLON

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